

DOCKET NO:

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

:

: EXAMINER: MICHAEL PEPITONE

SERIAL NO:

:

FILED:

: GROUP ART UNIT: 1796

FOR:

:

DECLARATION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

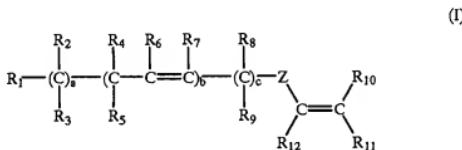
SIR:

Now comes Vincent Bodart, who states:

1. That I am an inventor of the above-identified application for U.S. Patent.
  
2. That I have reviewed the Official Action dated March 4, 2009, the Advisory Action dated June 16, 2009, and Padget (EP 0 185 464), Denk (U.S. 2,971,948), and Thames (U.S. 6,599,972) and the claims pending in this application, including newly submitted Claims 44-47.
  
3. That Denk and Padget do not relate to the same or similar types of copolymers, and one of skill in this art would not look to Denk to modify the copolymers of Padget. Denk relates to vinyl chloride materials, and would be understood as such by one skilled in this art. The fact that Denk contemplates the possible optional minor presence of vinylidene chloride

(col. 1, line 66 - col. 2, line 1 of Denk) does not make the vinyl chloride materials of Denk into vinylidene chloride-based materials. Accordingly, what Denk suggests for his described copolymers of vinyl chloride would not be taken as suggestive regarding possible modifications of the vinylidene chloride polymers of Padgett. One of ordinary skill in the art would not look to Denk in order to modify Padgett.

4. The monomer of Formula (I) of Thames necessarily requires the presence of an internal unsaturation because "b" must be one or two in formula (I) of Thames:

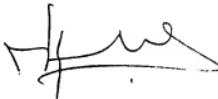


See column 6, lines 25-26 of the reference. These monomers are correctly characterized in Thames as crosslinkable at column 5, lines 12-13 thereof. There is no relationship, either functionally or in effect, between the internally plasticizing comonomers of Padgett as described at page 9 thereof and the above-described crosslinkable monomers of Thames. One of skill in the art would not modify Padgett by substituting the Thames crosslinkable monomers for the purely internally plasticizing comonomers described in Padgett, as the purpose and function of the Padgett monomer would not be replicated and the overall properties of the resultant crosslinked product would be expected to be quite different from anything desired by Padgett.

5. The crosslinkable monomers of Thames are nothing like those specified in new Claims 46-47.

6. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

7. Further deponent sayeth not.



V. Bodart

June 29, 2009

Date

Vincent Bodart